

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**UNITED STATES OF AMERICA,**

Plaintiff / Respondent,

vs.

Civil No. 06-0940 WJ/RHS  
Crim. No. 02-0501 WJ

**DAVID DURAN-SALAZAR,**

Defendant / Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

THIS MATTER comes before the Court on the Magistrate Judge's Report and Recommendation (Doc. 98), filed December 20, 2011. Plaintiff and Defendant filed a Joint Notice of Acceptance of Report and Recommendation (Doc. 99) on December 21, 2011.

Accordingly, the proposed findings of the Magistrate Judge will be adopted and Defendant's application for writ of habeas corpus will be granted.

**IT IS HEREBY ORDERED** that the proposed findings of the United States Magistrate Judge (Doc. 98) are adopted by the Court;

**IT IS FURTHER ORDERED** that Defendant's Amended Motion to Vacate and Set Aside Sentence By a Person in Federal Custody, Pursuant to 28 U.S.C. § 2255 is hereby  
**GRANTED.**

  
UNITED STATES DISTRICT JUDGE